

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Barry D. Leiwant
*Interim Executive Director
and Attorney-in-Chief*

*Southern District of New York
Jennifer L. Brown
Attorney-in-Charge*

January 11, 2024

BY ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Hairo Contreras
22-Cr-129 (PGG)

Dear Judge Gardephe:

I represent defendant Hairo Contreras in the above-captioned case. I write to request that the Court either grant the defense additional time to file its sentencing submission, or grant a brief adjournment of the sentencing proceeding scheduled to take place on February 2, 2024, to give the defense an opportunity to review the final pre-sentence report, which has not been disclosed. The government does not object to this request.

Mr. Contreras's pre-sentence interview was completed on August 4, 2023, and the first draft of the pre-sentence report was disclosed to the parties on September 11, 2023. On September 25, the defense provided Probation additional information for inclusion in the report, and filed objections, including to the calculated guidelines sentencing range.

The final pre-sentence report has not yet been disclosed. Probation has informed me that it is scheduled to be disclosed by January 19, which is the same day the defense sentencing submission is currently due.

The defense needs an opportunity to review the final pre-sentence report prior to completing its sentencing submission, in order to incorporate additional factual information that may be included, address any unresolved objections, and consider and respond to Probation's sentencing recommendation. This will not be possible under the current briefing schedule. Indeed, under the current schedule, the government would have the benefit of the final pre-sentence report when preparing its sentencing submission, which is not due until January 26, while the defense would not have a meaningful opportunity to review the report.

It is therefore requested that Court either grant the defense until January 24 to file its sentencing submission, or alternatively grant a brief adjournment of sentencing if it wishes to receive the defense sentencing submission two weeks before sentencing. In the event of an adjournment, please be advised defense counsel will be unavailable February 29-March 8.

I have conferred with the government, which does not object to this request.

Sincerely,

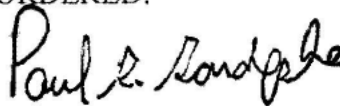


Michael Arthus
Assistant Federal Defender
212-417-8760

cc. (by ECF): AUSA Patrick Moroney

MEMO ENDORSED: The application is granted. Defendant Contreras's sentencing is adjourned to **February 23, 2024 at 2:00 p.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Date: January 12, 2024